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Crl.O.P.No.14381 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 354 and 506(i) of IPC read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.322 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The learned counsel for the petitioners submitted that in an incident involving the petitioners and defacto complainant's brother, both exchanged blows. As a result, there were injuries on both sides. However, the respondent registered the FIR in Crime No.322 of 2023 for the offences under Sections 294(b), 323, 354 and 506(i) of IPC read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, on the basis of the complaint given by the defacto complainant/Kotteeswari. Though, a complaint was given by Sathish Kumar/2nd petitioner herein, no FIR is registered so far. He also produced the xerox copy of the



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photographs, showing injuries sustained by the said Sathish Kumar on the back side of his head.

3. Ms.N.Vinodhini, learned counsel appeared and sought time for filing intervening petition and that was strongly opposed by the learned counsel for the petitioners stating that, time was already taken for filing intervening petition but, not filed.

4. It is seen from the order dated 28.06.2023 that, time was granted to file intervening petition. But it appears that, no intervening petition is filed. Therefore, opportunity of hearing the defacto complainant cannot be given.

5. The learned Government Advocate (Crl. Side) submitted that that it is a case and case in counter. Two complaints have been given and FIR in this case has been registered. In the other complaint, enquiry in CSR No.967 of 2023 is pending and soon it will be converted into First Information Report.



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6. Perusal of the FIR shows that, the incident happened on 17.06.2023, at about 10 a.m. when the defacto complainant's brother was taking his dog for waking. When his dog barked at Sathish Kumar/2nd petitioner herein, fight ensued. It appears that, both sides exchanged blows and inflicted injuries. Injured have been discharged from the hospital.

7. Considering the nature and facts and circumstances, the fact that injured have been discharged from the hospital, this Court is of the view that, the custodial interrogation of the petitioners is not necessary. Therefore, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate, Tambaram**, on condition that the



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petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with two sureties each** for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, every Saturday at 10.30 a.m., until further orders;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;



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[d] the petitioners shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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